

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EDWARD DAVID,

Plaintiff

v.

WILLIAM A. GITTERE, et al.,

Defendants

Case No. 3:21-cv-00464-RCJ-CLB

ORDER TO UPDATE ADDRESS AND
DENYING AS MOOT APPLICATION TO
PROCEED IN FORMA PAUPERIS

I. DISCUSSION

According to the Nevada Department of Corrections (“NDOC”) inmate database, Plaintiff Edward David is no longer incarcerated. On November 19, 2021, David noticed the Court that he was being released from prison and requested up to 10 days to update the Court with his new address. (ECF No. 4). Notice that the Court sent to David on November 19, 2021, was returned as undelivered and noted that David had “been discharged.” (ECF No. 5). It has been over a month since David’s notice of his impending release and request for time to update his address, and he has yet to file an updated address with this Court. The Court notes that pursuant to Nevada Local Rule of Practice IA 3-1, a “pro se party must immediately file with the court written notification of any change of mailing address, email address, telephone number, or facsimile number. The notification must include proof of service on each opposing party or the party’s attorney. Failure to comply with this rule may result in the dismissal of the action, entry of default judgment, or other sanctions as deemed appropriate by the court.” Nev. Loc. R. IA 3-1. So the Court grants David 30 days from the date of entry of this order to file his updated address with this Court. If David does not update the Court with his current address within 30 days from the date of entry of this order, this case will be subject to dismissal without prejudice.

Additionally, the Court denies the application to proceed *in forma pauperis* for prisoners (ECF No. 1) as moot because David is no longer incarcerated. The Court now

1 directs David to file an application to proceed *in forma pauperis* by a non-prisoner within
2 30 days from the date of this order or pay the full filing fee of \$400.

3 **II. CONCLUSION**

4 For the foregoing reasons, it is ordered that David must file an updated address
5 with the Clerk of the Court within 30 days from the date of this order.


6 It is further ordered that David's application to proceed *in forma pauperis* for
7 prisoners (ECF No. 1) is denied as moot.

8 It is further ordered that the Clerk of the Court will send David the approved form
9 application to proceed *in forma pauperis* by a non-prisoner, as well as the document
10 entitled information and instructions for filing an *in forma pauperis* application.

11 It is further ordered that within **30 days** from the date of this order, David will either:
12 (1) file a fully complete application to proceed *in forma pauperis* for non-prisoners; or
13 (2) pay the full filing fee of \$400.

14 It is further ordered that if David fails to timely comply with this order, this case will
15 be subject to dismissal without prejudice.

16 DATED: January 3, 2022

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18 CARLA BALDWIN
19 UNITED STATES MAGISTRATE JUDGE
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